IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14544 of 2003

Between:

1 J. Changalrayappa S/o. Agasthappa
Itheypalli Primary Agricultural Cooperative Society, Chandgiri Mandal, Chittoor District.
2 M. Dharmaiah S/o. Gangulaiah
Itheypalli Primary Agricultural Cooperative Society, Chandragiri Mandal, Chittoor District.
3 P. Munisekhar Reddy S/o. Muthyal Reddy
Itheypalli Primary Agricultural Cooperative Society, Chandragiri Mandal, Chittoor District.
4 A. Janardhana Naidu S/o. Chinnaswamy Naidu
Munigilipattu, Primary Agricultural Cooperative Society, Chandragiri Mandal, Chittoor District.
5 K. Jayram Naidu S/o. Nagulu Naidu,
Mungilipattu, Primary Agricultural Cooperative Society, Chandragiri Mandal, Chittoor District.
6 C.K. Nagraja S/o. Kondaiah Naidu
Mungilipattu, Primary Agricultural Cooperative Society, Chandragiri Mandal, Chittoor District.
7 V. Narisimhulu Naidu S/o. Gangiah Naidu
Nendragunta Primary Agricultural Cooperative Society, Pakala Mandal, Chittoor District.
8 B. Murlikrishna S/o. Chinna Swamy Naidu
Nendragunta Primary Agricultural Cooperative Society, Pakala Mandal, Chittoor District.
9 R. Reddi Ramu S/o. Narayana
Peddaramapuram Primary Agricultural Cooperative Society, Pakala Mandal, Chittoor District.
10 B. Ramamoorthy Naidu S/o Ganapathi Naidu
Peddaramapuram Primary Agricultural Cooperative Society, Pakala Mandal, Chittoor District.
11 A. Jagannadham S/o. Krishnaiah
Damalcheruvu Primary Agricultural Cooperative Society, Pakala Mandal,

Chittoor District.

12 S.A. Ram Kumar S/o. Armugampillai
Damalcheruvu Primary Agricultural Cooperative Society, Pakala Mandal, Chittoor District.

13 N. Sekhar S/o. Gopaliah
Damalcheruvu Primary Agricultural cooperative Society, Pakala Mandal, Chittoor District.

14 N. Natraja S/o. Laxmaiah
Damalcheruvu Primary Agricultural Cooperative Society, Pakala Mandal, Chittoor District.

15 M. Narayana Reddy S/o. Gangi Reddy
Vallivedu Kavetigaripalli, Primary Agricultraul Cooperative Society, Pulicherla Mandal, Chittoor District.

16 M. Venkateswarlu S/o. Muniratnam
Vallivedu Kavetigaripalli Primary Agricultural Cooperative Society, Pulicherla Mandal, Chittoor District.

17 M. Laxmaiah S/o. Siddaiah
Mangalampeta Primary Agricultural Cooperative Society, Pulicherla Mandal, Chittoor District.

18 J. Subramanyam S/o. Murgaiah
Mangalampeta Primary Agricultural Cooplerative Society, Pulicherla Mandal, Chittoor District.

19 A. Ebraheem S/o. Buran Saheb
Pulicherla Primary Agricultural Cooperative Society, Pulicherla Mandal, Chittoor District.

..... PETITIONERS

AND

1 The Govt. of Andhra Pradesh, Cooperative Department,
Rep. by its Secretary, Secretariat, Hyderabad.

2 The Commissioner for Cooperation and Registrar of Coop. Societies, Hyderabad.

3 The District Cooperative Officer, Chittoor District.

4 Itheypally Primary Agricultural Cooperative Society,
Rep. by Person in charge, Itheypally Village & Post, Chandragiri Mandal, Chittoor District.

5 Mungilipattu Primary Agricultural Cooperative Society,
rep. by its Person in Charge, Mungilipattu Village & Post,
Chandragiri Mandal, Chittoor District.

6 Nendragunta Primary Agricultural Cooperative Society,
rep. by its Person in Charge, Nendragunta Village & Post,
Pakala Mandal, Chittoor District.

7 Peddaramapuram Primary Agricultural Cooperative Society,
rep. by its Person in Charge, Peddaramapuram Village & Post,
Pakala Mandal, Chittoor District.

8 Damalacheruvu Primary Agricultural Cooperative Society,
rep. by its Person in Charge, Damalacheruvu Village & Post,
Pakala Mandal, Chittoor District.

9 Vallivedu Kavetigaripalli Primary Agricultural Cooperative Society,
rep. by its Person in Charge, Ellankivari Palli Village & Post,

Pulicherla Mandal, Chittoor District.

10 Mangalampeta Primary Agricultural Cooperative Society,
rep. by its Person in Charge, Mangalampeta Village & Post,
Pulicherla Mandal, Chittoor District.

11 Pulicherla Primary Agricultural Cooperative Society,
rep. by its Person in Charge, Pulicherla Village & Post, Pulicherla Mandal,
Chittoor District.

12. The Chittor District Co-operative Central Bank Ltd., Chittor, rep., by its General Manager.

(R12 is impleaded as per court order dated 27-7-04 in W.P.M.P.No.28529 of 2003)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of the respondents in reducing our pay scales drastically in violation of principles of natural justice and inaction in paying any salary as arbitrary, illegal and offending Art. 14, 21 & 23 of Constitution of India consequently direct payment of salary and allowance without any revision by nullifying reduction.

Counsel for the Petitioners :MR.D.PURNACHANDRA REDDY

Counsel for the Respondent Nos.1,2,3: G.P. for Co-operation.

Counsel for the Respondent No.12: P.M. Gopal Rao, Advocate

Counsel for the Respondents 4 and 6 : Mr.G.Vijaya Sarthi.

Counsel for the respondent 7: Mr.D.Kodandarami Reddi.

The Court made the following :

:ORAL ORDER:

The petitioners are employees of Primary Agricultural Co-operative Societies arrayed as respondent Nos. 4 to 12, herein. Their grievance is as regards reduction of their pay and emoluments pursuant to the provisions of Section 116-C of the Andhra Pradesh Co-operative Societies Act, 1964. The petitioners do not plead or establish the liability of State to pay them their salary. Demonstrably, the salary liability towards the petitioners is exclusively that of the respondent Nos. 4 to 12—PACS. It is neither pleaded, established or demonstrated before this court that these respondents-PACS are a State within the meaning of Article 12 of the Constitution of India. In the above circumstances, this writ petition is not maintainable. The writ petition is, accordingly, dismissed. The petitioners are, however, at liberty to pursue appropriate alternative remedy as is available under law. No costs.

GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*

To

1 The Secretary, Govt. of Andhra Pradesh, Cooperative Department,
Secretariat, Hyderabad.
2 The Commissioner for Cooperation and Registrar of Coop. Societies,
Hyderabad.
3 The District Cooperative Officer, Chittoor District.
4 Itheypally Primary Agricultural Cooperative Society,
Rep. by Person in charge, Itheypally Village & Post, Chandragiri Mandal,
Chittoor District.
5 The Person in Charge, Mungilipattu Primary Agricultural Cooperative Society,
Mungilipattu Village & Post,
Chandragiri Mandal, Chittoor District.
6 The Person in Charge, Nendragunta Primary Agricultural Cooperative Society,
Nendragunta Village & Post,
Pakala Mandal, Chittoor District.

7 The Person in Charge, Peddaramapuram Primary Agricultural Cooperative Society,
Peddaramapuram Village & Post,
Pakala Mandal, Chittoor District.
8 The Person in Charge, Damalacheruvu Primary Agricultural Cooperative Society,
Damalacheruvu Village & Post,
Pakala Mandal, Chittoor District.
9 The Person in Charge, Vallivedu Kavetigaripalli Primary Agricultural Cooperative Society,
Ellankivari Palli Village & Post,
Pulicherla Mandal, Chittoor District.
10 The Person in Charge, Mangalampeta Primary Agricultural Cooperative Society,
Mangalampeta Village & Post,
Pulicherla Mandal, Chittoor District.
11 The Person in Charge, Pulicherla Primary Agricultural Cooperative Society,
Pulicherla Village & Post, Pulicherla Mandal,
Chittoor District.

12. The General Manager, The Chittor District Co-operative Central Bank Ltd., Chittor.

13.2CCs to learned Government Pleader for Co-operation, A.P. High Court Buildings, Hyderabad (OUT).

14.2CD copies